



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570



April 3, 2013

MORRIS MCALLISTER
215 W 134TH ST APT 1F
NEW YORK, NY 10030-3024

Re: Local 917 International Brotherhood of
Teamsters (Quick Park)
Case 02-CB-093489

Dear Mr. McAllister:

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of February 28, 2013. Absent evidence that a union acted in a discriminatory, arbitrary, or bad faith manner, a breach of its duty to fairly represent employees will not be found. *Vaca v. Sipes*, 386 U.S. 171, 190 (1967). Further, a union does not violate its duty of fair representation when it declines to process a grievance based upon its good faith interpretation of the collective-bargaining agreement. *Steelworkers Local 7748*, 246 NLRB 12 (1979). Contrary to the assertions in the appeal, the evidence from the Regional Office's investigation disclosed that the Union investigated the merits of your grievances and in good faith concluded that the Employer's actions did not violate the collective-bargaining agreement. Accordingly, further proceedings are unwarranted.

Sincerely,

Lafe E. Solomon
Acting General Counsel

By:

A handwritten signature in black ink, appearing to read "Deborah M.P. Yaffe".

Deborah M.P. Yaffe, Director
Office of Appeals

cc: KAREN P. FERNBACH
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
26 FEDERAL PLZ RM 3614
NEW YORK, NY 10278-0004

JOHN ISAAC, SUPERVISOR
QUICK PARK
247 W 37TH ST FL 6
NEW YORK, NY 10018-5706